

DOCKET NO.: **BU-0124
Application No.: 10/609,426
Office Action Dated: December 16, 2009

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Richard T. Oesterreicher, et al.

Confirmation No.: **7950**

Application No.: **10/609,426**

Group Art Unit: **2446**

Filing Date: **June 27, 2003**

Examiner: **Benjamin R. Bruckart**

For: **System and Method for Digital Media Server Load Balancing**

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

COMMENT ON PATENT TERM ADJUSTMENT

In response to the Official Action dated **December 16, 2009**, reconsideration is respectfully requested in view of the amendments and/or remarks as indicated below:

- ☐ **Amendments to the Specification** begin on page 2 of this paper.
- ☐ **Amendments to the Claims** are reflected in the listing of the claims which begins on page of this paper.
- ☐ **Amendments to the Drawings** begin on page of this paper and include an attached replacement sheet.
- ☒ **Remarks** begin on page 2 of this paper.
- ☐ **Request For Refund** submitted herewith.

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REMARKS

In the notice of allowance dated December 16, 2009, a patent term adjustment of 681 days is calculated for this allowed application. It appears that the patent office has not subtracted 70 days of patent term adjustment for the time period between the response filed on June 8, 2009 and the IDS submission dated August 17, 2009. Applicants accordingly note that the patent term adjustment indicated in the notice of allowance may be longer than appropriate. Applicants hereby submit this letter as recommended at MPEP §2733.

If any further information is needed, USPTO personnel are invited to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

Date: January 27, 2010

/Aaron F. Bourgeois/

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